

A.—The CHIEF SECRETARY to GOVERNMENT (Rajasevaprakashta B. T. KesavaIengar).—

	Total Strength	No. of Non- Muslims	No. of Muslims	Percentage of Muslims
Assistant Superintendents ...	10	9	1	10
Inspectors ...	107	96	11	10.34
Sub-Inspectors ...	215	182	33	15.4

Mr. T. M. KHAN.—The figures furnished in the answer show that the representation of Muslims in the higher rungs of the Police service is very inadequate. May I request the Government to see that the representation is improved in future at least?

Mr. B. T. KESAVAIENGAR.—To the extent practicable.

Mr. KHAJI SYED YUSUF SAHIB.—Are the Government aware that in an order passed by them in 1874 and during the discussions in the Budget Sessions of the Assembly in 1918 and 1924, they have promised to reserve for Muslims 3 appointments out of every 10 in the higher rungs of the Police service?

Mr. B. T. KESAVAIENGAR.—The member may discuss the question in connection with a special representation which stands against his name.

Mr. Bhupalam R. CHANDRA-SEKHARAYYA.—Does not the term 'non-Muslim' used in the answer include Christians and Anglo-Indians also?

Mr. B. T. KESAVAIENGAR.—Yes.

Opening a Flag Station between Tolhunse and Kodaganur.

Q.—88. Mr. SANNAGOWDARA CHANNABASAPPA (Davangere—Rural).—

Will the Government be pleased to state:—

(a) whether the representations of the people of Davangere Taluk praying for a flag station midway between Tolhunse and Kodaganur on the Arsikere-Harihar Line, have come to the notice of the Government;

(b) what action has been taken in this behalf?

A.—The SECRETARY to GOVERNMENT, RAILWAY DEPARTMENT (Mr. M. G. MEHKRI).—

(a) Yes.

(b) After investigation it was found that there was not enough traffic to justify the opening of a flag station.

Mr. SANNAGOWDARA CHANNABASAPPA.—With reference to answer (b), will it not add to the convenience of the people if a flag station is opened there?

Mr. M. G. MEHKRI.—That is a matter of opinion. Just at present it is not considered practicable.

Mr. SANNAGOWDARA CHANNABASAPPA.—Will it not be possible to arrange for the stoppage of at least a few of the trains there to pick up passengers?

Mr. M. G. MEHKRI.—Shuttle trains can be stopped but not all passenger trains.

Mr. SANNAGOWDARA CHANNABASAPPA.—Will at least that much be done without delay?

Mr. M. G. MEHKRI.—The suggestion will be considered.

Purchase of 'Non-Oppige' Cane by the Sugar Company.

Q.—104. Mr. M. L. LINGANNA (Mandya—Urban).—

Will the Government be pleased to state:—

(a) the quantity of *non-oppige* cane supplied to the Mysore Sugar Company by the Mandya and Maddur Taluks from June 1940 to June 1941;

(b) out of the above, the quantity of *non-oppige* cane supplied by the Representative Assembly and Legislative Council members; the quantity supplied by ordinary raiyats;

(c) the rate given for the purchase of the above to the Representative Assembly and Legislative Council members and the rate given to the ordinary raiyats?

A.—The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. V. Vedavyasacharya).

(a) 3,569 tons.

(b) 617 tons by raiyats who are members of the Representative Assembly or Legislative Council and 2,952 tons by the other "ordinary raiyats."

(c) The price for all such supplies was the same, *viz.*, the minimum rate fixed by the Government from time to time, which was Rs. 11 per ton till 11th October 1940 and Rs. 10 per ton for the remaining period.

Mr. M. L. LINGANNA.—With reference to answer (c) has it not been brought to the notice of the Minister for Revenue that the rates actually paid for *oppige* cane are much lower?

Mr. V. VEDAVYASACHARYA.—Government are not aware of it.

Mr. M. L. LINGANNA.—Has it come to their notice that some raiyats have been paid at such low rates as Rs. 3 or Rs. 4 per ton?

The MINISTER for REVENUE and FINANCE (Rajamantrapravina K. V. Anantaraman).—Probably the amount they got works out at that rate after deducting the land revenue and other dues.

Mr. M. L. LINGANNA.—No; that is how it works out even without deducting land revenue dues. Have not several raiyats petitioned the Government in that matter?

Mr. V. VEDAVYASACHARYA.—Notice.

Mr. K. GANGA SETTY.—With effect from what date are the suppliers being paid at the rates mentioned in the answer?

Mr. V. VEDAVYASACHARYA.—From the dates those rates were notified.

Mr. K. GANGA SETTY.—When the price of sugar rose, was the price of cane also raised?

Mr. V. VEDAVYASACHARYA.—The price of cane is fixed in consultation with a committee who take into consideration not only the ruling price of sugar but all other relevant factors.

Mr. K. GANGA SETTY.—What was the justification for paying higher rates to suppliers who happened to be members

of the Representative Assembly and the Legislative Council?

Mr. V. VEDAVYASACHARYA.—The information before the Government is that no such discrimination was made and that all suppliers were paid at the same rates.

Mr. K. BASAVALINGIAH.—Have the Government verified whether the lands on which the sugar-cane supplied by certain members of the Assembly and the Council were grown, were included in the areas coming under the block system of irrigation?

Mr. V. VEDAVYASACHARYA.—It is not a supplementary question.

Mr. K. BASAVALINGIAH.—What is the total tonnage of cane required by the Sugar Company?

Mr. PRESIDENT.—The point does not arise.

Mr. K. BASAVALINGIAH.—Cannot the system of rotation of crops be introduced here so that only the actual quantities required might be grown?

Mr. PRESIDENT.—That is not a supplementary question.

Mr. K. CHIKKALINGIAH.—What is meant by the term "such supplies" mentioned in the answer (c)—is it *oppige* or *non-oppige* cane?

Mr. V. VEDAVYASACHARYA.—*Non-oppige* cane.

Mr. K. CHIKKALINGIAH.—If *non oppige* cane also is paid for at the same rate when *oppige* cane is still available, what is the use of the contract between the Company and the raiyats?

Mr. PRESIDENT.—The answer is evident.

Mr. K. CHIKKALINGIAH.—The question is, where was the need for taking *non-oppige* cane?

Mr. V. VEDAVYASACHARYA.—If the supply of *oppige* cane was found to be inadequate at any time and interfered with the milling programme, other purchases would have to be made.

Mr. K. CHIKKALINGIAH.—In the case of *oppige* cane, an irreducible minimum has been defined. Does that minimum apply to *non-oppige* cane also?

Mr. PRESIDENT.—Yes.

Mr. K. CHIKKALINGIAH.—When a raiyat entering into a contract with the Company is bound to supply the

stipulated quantities, should not the Company be similarly bound to take those quantities? Is the contract meant to be respected by only one of the parties?

Mr. PRESIDENT.—The agreements should of course be fulfilled.

Mr. K. CHIKKALINGIAH.—It is said that 617 tons of *non-oppige* cane were purchased from certain members of the Assembly and the Council. Have the Government made sure that all that cane was grown on lands owned by those very members?

Mr. V. VEDAVYASACHARYA.—That is how the Government understand it.

Mr. K. CHIKKALINGIAH.—How many acres of land does each of them own in that area?

Mr. V. VEDAVYASACHARYA.—Notice.

Mr. K. CHIKKALINGIAH.—Has it come to the notice of the Government that in respect of almost one-half of the 4,000 acres cultivated for supplying *oppige* cane, the crop is not yet harvested?

Mr. PRESIDENT.—We cannot enter into a discussion of the matter at question time.

Mr. K. HANUMANTHIAH.—The question at issue is whether all available *oppige* cane had been purchased before *non-oppige* cane was gone in for?

Mr. V. VEDAVYASACHARYA.—That information is not readily available here.

Mr. Bhupalam R. CHANDRASEKHARAYYA.—Are the Government aware that there is no fixed programme before the Sugar Company in the matter of purchasing *oppige* and *non-oppige* cane and consequently, the quality of the production has deteriorated?

Mr. PRESIDENT.—That raises a different issue altogether.

Mr. Bhupalam R. CHANDRASEKHARAYYA.—It is stated that subsequent to 11th October 1940, the price of cane was reduced from Rs. 11 to Rs. 10. Is that reduction justified by the increased cost of cultivation?

Mr. V. VEDAVYASACHARYA.—That is not a supplementary question. As I have stated already, there is a committee which tenders its advice to the Government in the matter of price fixation.

On this committee there are also representatives of cane-growers in the area.

Mr. Bhupalam R. CHANDRASEKHARAYYA.—Is the Assistant Director of Agriculture in charge of Mandya Circle also on the committee?

Mr. V. VEDAVYASACHARYA.—The Director of Agriculture is on the committee.

Mr. B. CHAMIAH.—Are the Government aware that for a certain time *oppige* cane was not ready for delivery when it was needed?

Mr. V. VEDAVYASACHARYA.—No.

Mr. K. CHENGALARAYA REDDY.—Are the Government aware that *non-oppige* cane was purchased by the Company when *oppige* cane was ready for cutting?

Mr. PRESIDENT.—No. But if the member definitely makes a statement to that effect, it will be sent on to the Company for inspection.

Mr. K. CHENGALARAYA REDDY.—The sole object of the question is that the Government should make sure that there is no abuse of powers on the part of the authorities of the Company.

Mr. PRESIDENT.—The object may be quite unobjectionable. But one cannot assume that merely because some of the *oppige* cane was available, there was no need to go in for *non-oppige* cane also.

Mr. K. CHENGALARAYA REDDY.—The point is when *oppige* cane was ready, being 18 months old and even over, that *non-oppige* cane was preferred.

Mr. V. VEDAVYASACHARYA.—If specific instances are furnished, necessary enquiries will be made.

Mr. K. CHENGALARAYA REDDY.—There are any number of instances, if only the Government will investigate them.

Mr. V. VEDAVYASACHARYA.—The matter will be investigated.

Mr. M. SITHARAMA SASTRI.—Are not these very large number of questions themselves an indication that something is wrong somewhere?

Mr. K. SUBBIAH SETTY.—What was the ruling price of sugar originally when the rate for cane was Rs. 11 and what was it when the rate was reduced to Rs. 10?

Mr. V. VEDAVYASACHARYA.—Notice.

Mr. B. CHOODE GOWDA.—Even at the previous session of the Assembly, was it not brought to notice that *oppige* cane was lying uncut for long periods and yet *non-oppige* cane was being preferred?

Mr. S. I. MUMTAZ.—Cannot the Government ask the Company to state why *non-oppige* cane was preferred when *oppige* cane was ready to be harvested?

Mr. PRESIDENT.—There must have been some valid grounds for the Company to do so. However, enquiries will be made in the matter.

Mr. D. DEVARAJ URS.—Who fixes the price of cane—is it the Committee or the Government?

Mr. PRESIDENT.—Government, on the recommendation of the Committee.

Mr. U. L. RAMACHANDRA RAO.—The rate was fixed at Rs. 11 till 11th October 1940. For how long did the previous rate of Rs. 11 per ton prevail?

Mr. V. VEDAVYASACHARYA.—From August to October.

Mr. U. L. RAMACHANDRA RAO.—How long will the reduced rate of Rs. 10 continue?

Mr. PRESIDENT.—Until it is revised.

Mr. U. L. RAMACHANDRA RAO.—If the price of sugar rises again, will the price of cane also be raised?

Mr. V. VEDAVYASACHARYA.—In such cases, the cane suppliers are entitled to get a bonus under certain conditions.

Mr. PRESIDENT.—It is not possible to discuss the whole policy of purchases at question time.

Mr. U. L. RAMACHANDRA RAO.—There will be no further questions if the Government agree that the existing rate should be improved.

Mr. K. V. ANANTARAMAN.—Unless the raiyats agree to a reduction in the stipulated rate for cane being effected in case there is a fall in the price of sugar, there may be no justification for them to claim higher rates even if the price of sugar improves. Besides, what has been fixed now is only the minimum price, and being part of the contract, it is binding on both. The operative

rate may be different from the contractual or *oppige* rate.

Mr. PRESIDENT.—The rule is that the minimum price at which sugar-cane will be purchased by the factory should be fixed and notified from time to time.

High Court's Judgment in Appeal Case No. 30 of 1939-40.

Q.—107. Mr. RAGHUNATHA RAO
(Srinivasapur—Rural) —

Will the Government be pleased to state:—

(a) whether they preferred an appeal to the High Court against the acquittal of Mr. S. K. Venkatarang-iengar, in Bangalore Sessions Case No. 30 of 1939-40;

(b) who was appointed to conduct the appeal in the High Court on behalf of Government;

(c) whether the High Court interfered with the order of acquittal;

(d) whether they are aware of the remarks made by the Chief Justice in the course of the disposal of the appeal that the power vested in the Government under Section 417, Criminal Procedure Code, is liable to be abused by the executive?

A.—The SECRETARY to GOVERNMENT, LAW DEPARTMENT
(Mr. H. V. Narayana Rao).—

(a) Yes.

(b) Mr. K. Ramaswamy.

(c) No.

(d) Government have noted the remarks of the Chief Justice regarding the scope of Section 417, Criminal Procedure Code, contained in the following passage of the Judgment:—

“Section 417 of the Code of Criminal Procedure puts no limit on the power of the executive Government to bring any order of acquittal before us on appeal. If we were to adopt the rule which Mr. Ramaswamy suggests we should adopt, under the provisions of Section 417 of the Code, it would be possible for the executive Government to compel this Court in effect to retry every acquitted person on the same principles in regard to the consideration of evidence as would be adopted in the trial court, that is, it would be possible for the executive Government to give the prosecution a second chance in every case in which there was an acquittal. If that were really the effect of Section 417 of the Code of Criminal Procedure, I should regard it as an oppressive, dangerous and pernicious provision of law. It would obviously be open to the very